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Khan 7-54

APR 17 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Khan, Farooq
Serial Number: 09/725,437
Filed: 11/29/2000
Group Art Unit: 2667
Examiner: Qureshi, Afsar M.
Title: HYBRID ARQ WITH PARALLEL PACKET TRANSMISSION

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Office Action mailed on January 17, 2006. Applicant respectfully requests reconsideration.

There is no motivation to make the proposed combination of *Subbiah, et al.* and *Wasilewski, et al.* Therefore, there is no *prima facie* case of obviousness under 35 U.S.C. §103. The PID of *Wasilewski, et al.* has no use in the *Subbiah, et al.* arrangement and does not provide any benefit if the proposed combination were made. Without any benefit there is no motivation for making the combination and no *prima facie* case of obviousness.

The PID of *Wasilewski, et al.* as described in [0176-0177] is for indicating whether a number of packets belong to one subcategory or another (e.g., video 1 or audio 1). Such a PID does not have any usefulness in the mini-packet switching for IP networks described in *Subbiah,*

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et al. The PID of *Wasilewski, et al.* is used for cable television systems. That is not the same thing as a cellular access network and has nothing to do with mini-packet switching as discussed in *Subbiah, et al.* The PID of *Wasilewski, et al.* has no usefulness in the *Subbiah, et al.* arrangement and, therefore, the combination cannot be made.

Additionally, the *Wasilewski, et al.* reference relates to cable television programming. That is a non-analogous art compared to the cellular access system and the mini-packet switching techniques described in *Subbiah, et al.* That is another reason why the combination cannot be made.

The proposed further addition of the teachings of the *Rathonyi, et al.* reference do not remedy the defect in the proposed basic combination and does not establish a *prima facie* case of obviousness. None of Applicant's claims can be considered obvious.

This case is still in condition for allowance and Applicant respectfully requests a notice of allowance as soon as possible.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: 

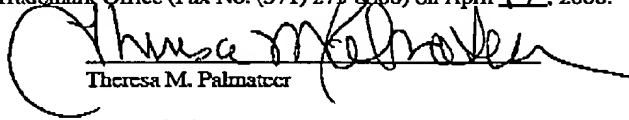
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Dated: April 17, 2006

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CERTIFICATE OF FACSIMILE

I hereby certify that this Request for Reconsideration relative to Application Serial No. 09/725,437 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on April 17, 2006.


Theresa M. Palmatier

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